



Attorney's Docket No.: 06975-048001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Carlos Silva et al.  
Serial No. : 09/475,391  
Filed : December 30, 1999  
Title : TELEVISION CHAT ROOMS

Art Unit : 2158  
Examiner : April Baugh

Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR REFUND


On or around November 20, 2002, a fee in the amount of \$110 was charged to Fish & Richardson's Deposit Account No. 06-1050. It is believed that this fee was charged for a one-month extension of time, however, no extension was due.

On November 13, 2002, Applicant filed a Response to Restriction Requirement. No extension of time was filed or required. As evidence, Applicant includes a copy of the PTO-90C indicating the office action mailing date as September 26, 2002, the PTO-326 showing applicant was given 3 months to respond, and a copy of the postcard receipt showing the response was filed on November 13, 2002 (less than two months from the office action mailing date).

Accordingly, the charge to Deposit Account No. 06-1050 was improper as the Response to Office Action was filed in a timely manner. Applicant respectfully requests that the overcharge amount be refunded to Fish & Richardson's Deposit Account No. 06-1050 as a credit.

Respectfully submitted,

Date: DECEMBER 18, 2002


  
Andrew F. Bodendorf  
Reg. No. 39,537

Fish & Richardson P.C.  
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DEP & REF  
DOM 307  
# 142 Reg For  
Refund  
03-21-03

JFH/AFB/EEM

Attorney's Docket No. 06975-048001	Express Mail Label No.	Mailing Date November 13, 2002	<b>For PTO Use Only</b> <i>Do Not Mark in This Area</i>
Application No. 09/475,391	Filing Date December 30, 1999	Attorney/Secretary Init JFH/AFB/eem	
Title of the Invention TELEVISION CHAT ROOMS			
Applicant Carlos Silva et al.			
Enclosures Response to Restriction Requirement (1 page)			



*OKD*



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,391	12/30/1999	CARLOS A. SILVA JR.	06975/048001	6275

7590 09/26/2002

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EXAMINER
BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2158	

DATE MAILED: 09/26/2002



Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

SEP 30 2002

FISH & RICHARDSON, PC.  
BOSTON OFFICE

DOCKETED BY PRACTICE SYSTEMS	
Action Code	Response L JA
Base Date	9-26-02
Due Date	12-26-02
Deadline	3-26-03
Initials	MEC On

Docketed By Billing Secretary	
Due Date:	12-26-02
Deadline:	3-26-03
Initials:	[Signature]

jm



## Office Action Summary

Application No.

09/475,391

Applicant(s)

SILVA ET AL

Examiner

April L Baugh

Art Unit

2158

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.